

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CORNELIUS BROWN,

Plaintiff

Case No. 3:22-cv-00434-MMD-CLB

ORDER

v.

NDOC, et al.,

Defendants

I. DISCUSSION

On September 27, 2022, pro se Plaintiff Cornelius Brown, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted an application to proceed *in forma pauperis*, NDOC Improper Grievance Memos, and a motion for the appointment of counsel. (ECF Nos. 1-1, 3, 4.)

Complaint

Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. As such, the Court grants Plaintiff a **one-time** extension until on or before **December 12, 2022**, to submit a complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court's § 1983 complaint form with instructions.

Application to Proceed in Forma Pauperis

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. Special R. 1-1. For an

inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

Plaintiff’s application to proceed *in forma pauperis* is incomplete because Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application. The Court will therefore deny Plaintiff’s application to proceed *in forma pauperis* without prejudice and grant Plaintiff an extension of time until on or before **December 12, 2022**, to either pay the filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents.

II. CONCLUSION

IT IS THEREFORE ORDERED that Plaintiff will submit a complaint to this Court on or before **December 12, 2022**.

IT IS FURTHER ORDERED that the Clerk of the Court send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court will also send Plaintiff a copy of his NDOC Improper Grievance Memos (ECF No. 1-1).

IT IS FURTHER ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 4) is denied without prejudice.

IT IS FURTHER ORDERED that Plaintiff has **until December 12, 2022** to either pay the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate’s

1 two signatures on page 3, (2) a completed financial certificate that is signed both by the
2 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
3 statement for the previous six-month period.

4 IT IS FURTHER ORDERED that the Clerk of the Court send to Plaintiff the
5 approved form application to proceed *in forma pauperis* for an inmate and instructions for
6 the same.

7 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
8 Plaintiff fails to timely comply with this order.

9 DATED THIS 13th day of October 2022.

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11 UNITED STATES MAGISTRATE JUDGE
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